

**REPORT OF THE CHIEF OFFICER PLANNING AND
REGULATORY – 1 November 2021**

APPLICATION NO:
P/2021 /0741

LOCATION:
LODGE FARM BORRAS ROAD
COMMONWOOD HOLT WREXHAM
LL13 9TE

DATE RECEIVED:
29/04/2021

COMMUNITY:
Rossett

DESCRIPTION:
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AMAETHYDDOL I FAES SAETHU
REIFFL AWYR DAN DO (OL-
WEITHREDOL) / CHANGE OF USE
OF AGRICULTURAL BUILDING TO
INDOOR AIR RIFLE RANGE (IN
RETROSPECT)

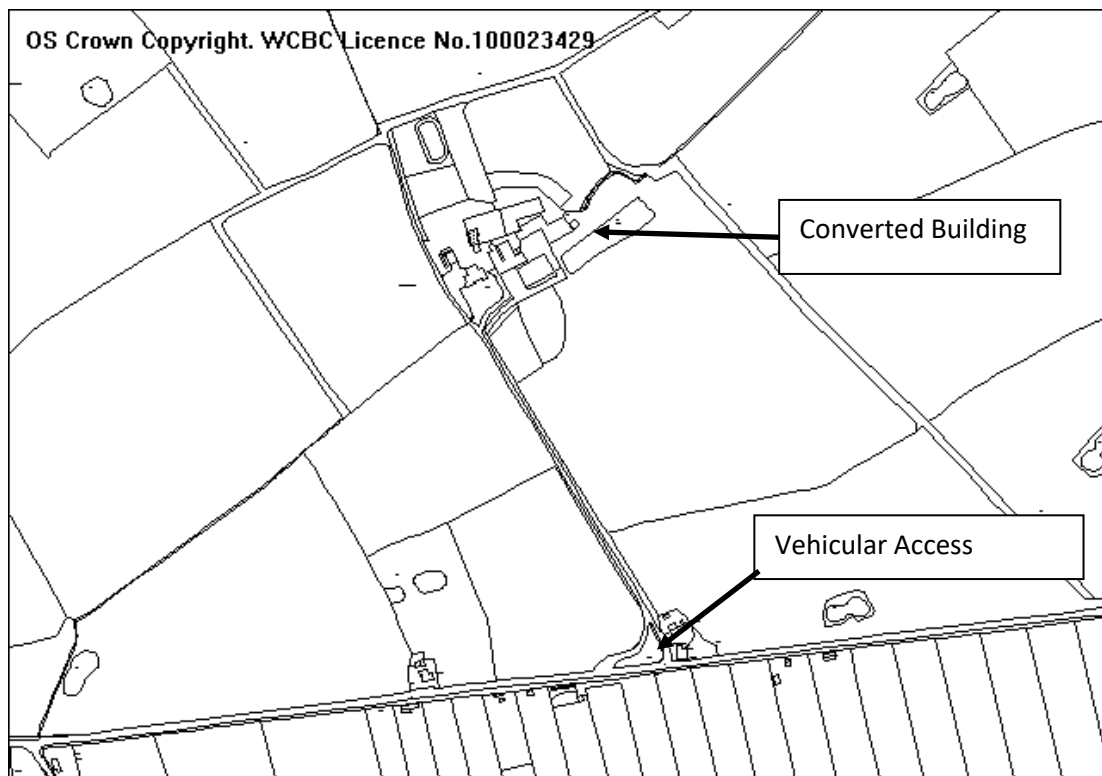
CASE OFFICER:
SEH

WARD:
Rossett

AGENT NAME:
JONATHAN
TOMLINSON

APPLICANT(S) NAME:
JONATHAN TOMLINSON

THE SITE



PROPOSAL

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As above

HISTORY

- P/2007/0336 Erection of steel framed shed for general engineering business and stationing of static security caravan (in retrospect).
Refused 04/06/2007
- P/2014/0244 Change of use of mezzanine floor space (B2) to shop (A1) selling firearms and associated country, outdoor, sporting and agricultural goods (in retrospect). Granted 01/09/2014
- P/2018/0776 Change of use of land from agriculture to a mixed use for agricultural and practice rifle-firing range in association with field and falcon gun shop and gunsmiths. Refused 03/06/2019 (Appeal Dismissed)
- P/2019/0046 Change of use of land from agricultural to use for clay pigeon shooting range in association with the Field and Falcon Gun Shop and Gunsmiths (in retrospect).
Refused 22/05/2019.
(Appeal Dismissed)

Planning history relating to on-site digester

- P/2008/0177 Construction of cow slurry digester. Granted 30.05.2008
- P/2009/0476 Erection of 1 no. digester tank, 1 no. digestate store, 1 no. pre and 1 no. post storage tank and reception building for farm waste / office / switchgear (partly in retrospect).
- P/2010/0181 Removal of condition no. 6 and variation to condition nos. 3 and 10 of planning permission code no. P/2009/0476 to allow the continued movement of farm yard muck and arable waste by the road network and the pumping of slurry via an umbilical pipeline from lower park farm to lodge farm and for additional time to be given so that the slurry storage can be assessed over a longer time period. Granted 05.07.2010
- P/2010/0779 Removal of Condition 1 of P/2010/0181, as it prevents the generation of renewable energy and variation of condition no. 2 to apply the restriction to cow slurry only. Refused 01.11.2010
- P/2012/0017 An application to import and recycle a wide range of materials including energy crops and industrial bio wastes to complement feed stocks in the existing agricultural anaerobic digestion facility, the construction of a small bund, an underground storage tank (in retrospect), and the relocation of the consented generator exhaust stack. Granted 02.04.2012

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PLANNING POLICY

The site is located outside of settlement. Policies PS2, GDP1, E5 and T8 are relevant. Guidance is also contained in Local Planning Guidance Note (LPGN) No.16 – Parking Standards. National Planning Policy is contained within Planning Policy Wales (Edition 11), TAN 6 – Planning for Sustainable Rural Communities and TAN 23 – Economic Development.

CONSULTATIONS

Community Council:	No objections.
Local Member:	Notified 27.07.2021
Highways:	No objection subject conditions securing the visibility splays at the vehicular access point. (please see full comments in the Special Considerations section below)
Public Protection:	No concerns. As air rifles are, by their very nature, considerably quieter than guns, I am satisfied that the soundproofing of the building is not required. Conditions requiring that all windows and doors are kept closed, as well limiting the number of people who can shoot at any one time, will be sufficient to prevent noise nuisance.
Ramblers:	This is near footpaths Holt 20 and Allington 4 which should not be diverted or blocked by the development, nor during its construction. There is an additional danger of injury to walkers from the proposed rifle range.
PRoW:	Consulted 27.07.2021
Neighbours: concerns:	3 responses received raising the following • The rifle range will generate significant noise levels which will be a nuisance to local residents; • This is a 'Trojan Horse' which might lead to something else more intensive in the future; • The building may not be safe; • This is just a money making venture; • The previous request for retrospective planning permission for a clay pigeon shoot and rifle range was dismissed on appeal, on the grounds of the nuisance it would cause within the locality. If this retrospective planning application is granted, we are concerned that it will lead to further applications (in retrospect)

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for the use of rifles and shotguns within the indoor range.

1 response received in support:

- A variety of pursuits is welcomed in this countryside location.

SPECIAL CONSIDERATIONS

Background: Planning permission was granted in 2014 (P/2014/0244) to change the use of part of the existing engineering / fabrication building to a retail space for the sale of firearms (and associated country, outdoor, sporting and agricultural goods), now known as the Field and Falcon Gun Shop. The business also provides gunsmith services including repairing, servicing and modifying firearms.

The applicant later applied for outdoor rifle and clay shooting ranges, in association with the shop (P/2018/076 and P/2019/0046). Planning permission was refused for both uses, and subsequent Appeals dismissed, due to the detrimental impact the uses would have in terms of noise nuisance. The application now submitted is for an indoor air rifle practice firing range (in retrospect).

Policy E5 allows for small-scale employment development in the countryside through the conversion of existing structurally sound buildings, in principle. With regards to employment, promoting diversification in the rural economy is a key objective of national policy. PPW recognises that small scale rural enterprises have a positive role to play in promoting healthy economic activity in rural areas and that local planning authorities should adopt a positive approach to development which is associated with farm diversification. TAN 23 also recognises that a wide range of economic activities may be sustainably accommodated in rural areas through the re-use of existing buildings, especially where they are part of or adjoining an existing farm complex where they are suitable for re-use.

The main issues to consider are the impact of the proposed use upon highway safety and any noise generated by the indoor shooting facility.

Design and Layout: The application involves the partial conversion of a redundant cattle shed, by approximately one third, with the rest remaining as existing (see figure 1 below). A condition will be attached to restrict the floor area to that shown on the plan, in the interests of retaining this use as a small-scale development in the countryside, limit the intensity, and to ensure adequate parking is available on site to support the facility.

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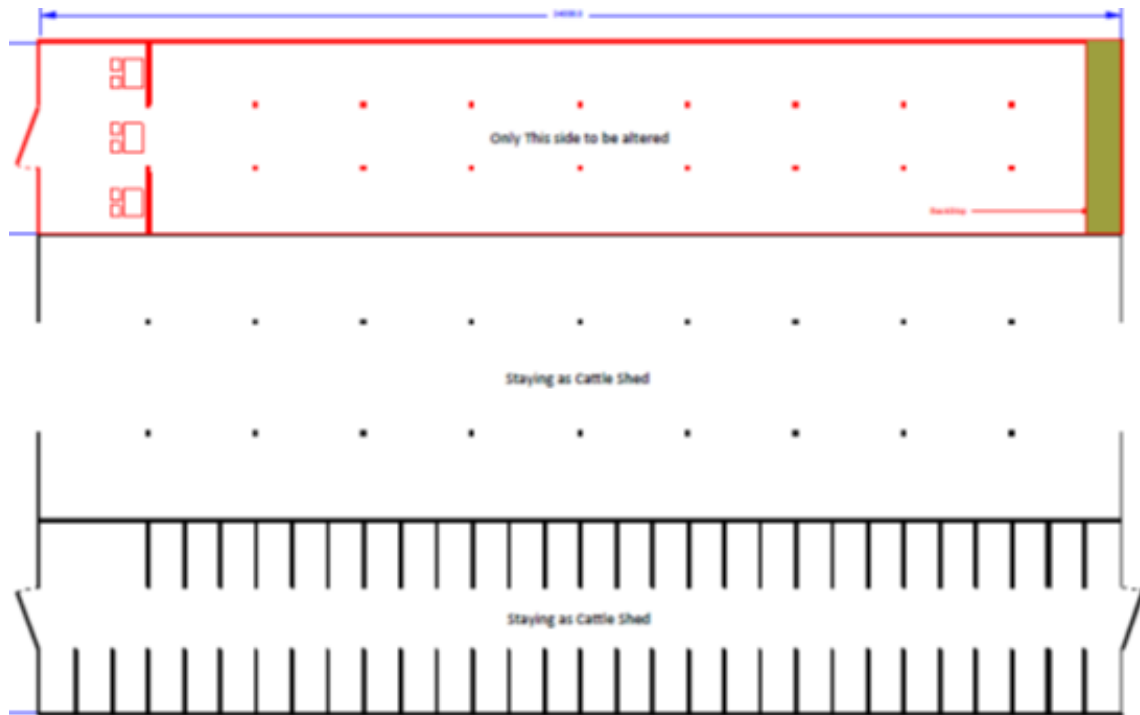


Figure 1. Proposed Floor Plan



Figure 2. Entrance to converted section of the building

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Figure 3. Unconverted section of the building retained

Highways: The proposed development site is accessed off Borrás Road which is a classified road subject to a 60mph speed limit. The main access serving the development site is approximately 22m wide and is paved with hard bound materials. A recent appeal at the site in respect of planning application ref: P/2018/0776 (Dismissed) accepted that splays of 2.4 x 120m in the easterly direction and 2.4 x 205m in the westerly direction measured to 0.5m into the carriageway from the nearside edge would be appropriate, from the main access. These splays are achievable from the main access subject to the regular maintenance of the existing hedgerows in both directions.

I understand that the proposed hours of operation are the same as the gun shop, 6am-5pm on weekdays and 9am-5pm on a Saturday. I understand that no extra staff will be needed as customers will need to visit the shop to pay and show ID, CCTV will monitor the range, there will be three benches for shooters with up to six people at any one time. Based on the submitted information, the proposed development is not considered likely to have any detrimental impact on the adjoining highway. There would appear to be adequate parking and turning provision at the site for the existing Field and Falcon Shop and for the proposed Practice Firing Range. The highway authority therefore has no objections to the proposed development on highway safety grounds, subject to conditions.

Noise and Residential Amenity: Whilst I did have concerns in relation to noise nuisance in connection with outdoor rifle and clay shooting, this proposal is for air rifles, which are significantly quieter than the firearms / guns being fired on the ranges, for which planning permission has already been refused. In addition, the air rifle range will be entirely within a converted building, which will further reduce any noise associated with the use.

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Public Protection, who shared the noise concerns with the outdoor shooting ranges, has visited the premises and has not expressed any concerns with this latest proposal for indoor shooting. I am therefore satisfied that this proposal will not be detrimental to the public in relation to noise nuisance.

It is important to note also that should any substantiated noise complaints be made to Public Protection in the future, they do have the authority to serve a noise abatement notice, where appropriate.

Other Matters: Safety concerns are outside of the remit of planning control and are addressed through other legislation. Such concerns are not therefore relevant considerations for this application.

The proposed use is for indoor shooting only, and the PRow will not therefore be affected.

CONCLUSION

I am satisfied that this proposal would represent a logically located enterprise in a rural location, which is supported by up to date national planning policy. Based upon the information provided I am satisfied that the proposed development is unlikely to have an adverse impact upon highway safety or result in noise nuisance, and the proposal complies with local planning policy.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development shall only be carried out in strict accordance with the details shown on the approved drawing referenced 'Field & Falcon Proposed Indoor Rifle Range', and as contained within the application documentation.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking and re-enacting that Order with or without amendment), no part of the premises shall be used except for the precise purposes described in the application plans and documents. The rifle range shall be contained within the building, with the doors and windows closed, and within the red outline as shown on the proposed floor plan, only. For the avoidance of doubt, no shooting in connection with the proposal hereby approved shall take place outside of the building shown on the approved plans.
3. No use of the development shall be made before 0600 hours or after 1700 hours Monday to Friday, before 0900 hours or after 1700 hours on Saturdays and Sundays.

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4. The building shall be occupied by customers and staff only, and there shall be no more than 6 customers, in total, inside the building at any one time.
5. Within one month of the date of this approval, the development shall be laid out in strict accordance with approved site and floor layout plans. The site and floor layout shall not thereafter be altered.
6. Within one month of the date of this decision, the vehicular access off Borrás Road shall provide visibility splays of 2.4 metres x 120 metres to the east, and 2.4 metres x 205 metres to the west, measured to a point 0.5 metres into the carriageway from the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
7. The converted building shall only be used for the firing of air rifles.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
 2. To ensure that the air rifle shooting range is not used in a manner which may cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 3. To ensure that the air rifle shooting range is not used at a time which may cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 4. To ensure that the air rifle shooting range is not used at a time which may cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 5. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 6. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
 7. To ensure that the air rifle shooting range is not used at a time which may cause nuisance or disturbance to nearby residents in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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